

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rule making related to food safety and inspection service standards and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 76, “Meat and Poultry Inspection,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 189A.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 189A.

Purpose and Summary

The proposed rule making adopts by reference the most up-to-date federal standards from the Food Safety and Inspection Service (FSIS). In order for Iowa’s Meat and Poultry Bureau to remain compliant, state regulations must be equal to or greater than federal standards. Specifically, these updates address the following:

- Modernization of swine slaughter inspection.
- Preparation of uninspected products outside of the hours of inspectional supervision.
- Eliminating unnecessary requirements for hog carcass cleaning.
- Continuing to implement a requirement that was removed by FSIS to prevent confusion and noncompliance.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 22, 2021. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Phone: 515.281.7808
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

June 23, 2021
10 to 11 a.m.

Second Floor Conference Room
Wallace State Office Building
Des Moines, Iowa
Via conference call: 866.685.1580
Access code: 515 281 3950#

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rules 21—76.1(189A) to 21—76.3(189A) as follows:

21—76.1(189A) Federal Wholesome Meat Act regulations adopted. Part 301 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of ~~July 30, 2018~~ December 31, 2020, is hereby adopted in its entirety by reference; and in addition thereto, the following subsections shall be expanded to include:

1. to 6. No change.

21—76.2(189A) Federal Wholesome Meat Act regulations adopted. Part 303, Part 304, Part 305, Part 306, Parts 308 through ~~315~~, Parts 317 through ~~320~~, Part 329, Part 332, Part 412, Part 416, Part 417, Part 418, Part 424, Part 430, Part 431, Part 441 and Part 442 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of ~~July 30, 2018~~ December 31, 2020, are hereby adopted in their entirety by reference. Part 307 except Sections 307.5 and 307.6 and Part 325 except Sections 325.3 and 325.12 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of July 30, 2018, are hereby adopted in their entirety by reference. Part 500 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of January 1, 2016, is adopted by reference, except that references in Sections 500.5, 500.6, 500.7, and 500.8 to the federal Uniform Rules of Practice are not adopted.

This rule is intended to implement Iowa Code sections 189A.3 and 189A.7(8).

21—76.3(189A) Federal Poultry Products Inspection Act regulations adopted. Part 381, Title 9, Chapter III, of the Code of Federal Regulations, revised as of ~~July 30, 2018~~ December 31, 2020, is hereby adopted in its entirety with the following exceptions: Sections 381.96, 381.97, 381.99, 381.101, 381.102, 381.104, 381.105, 381.106, 381.107, and 381.128, Subpart R, Subpart T, Subpart V, and Subpart W; and in addition thereto, the following subsections shall be expanded to include:

1. to 6. No change.

ITEM 2. Amend rule 21—76.6(189A) as follows:

21—76.6(189A) Forms and marks. Whenever an official form is designated by federal regulation, the appropriate Iowa form will be substituted, and whenever an official mark is designated, the following official Iowa marks will be substituted:

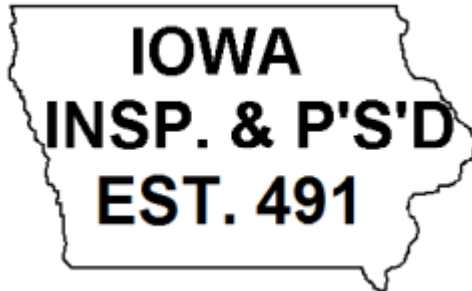
1. Iowa inspected and condemned brand:

IOWA INSP'D AND CONDEMNED

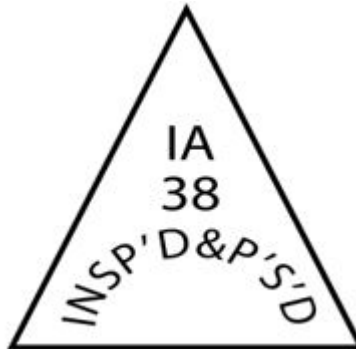
2. Iowa product label mark of inspection and carcass brand for amenable species:



3. Iowa inspected carcass brand for amenable species (excluding poultry): Stamp (brand) must be 1¼ inch tall. The wording shall be all the same height and fill the space inside and centered within the outline of the state of Iowa.



4. Exotic carcass brand:



5. Exotic product label mark of inspection:



6. Notwithstanding any other provision of this rule, a red meat establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce with the modifications described in 9 CFR Sec. 332.5(c).

a. Cooperative Interstate Shipment program product label mark of inspection:



b. Cooperative Interstate Shipment program carcass brand. Sizing of brands shall be as described in 9 CFR Sec. 312.2(a), except that the 1¼" brand shall be utilized in lieu of the ¾" brand:



7. Notwithstanding any other provision of this rule, a poultry establishment that is a selected establishment under 9 CFR Part 381, Subpart Z, shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M, for products that are intended for interstate commerce with the modifications described in 9 CFR Sec. 381.515(c). Cooperative Interstate Shipment program poultry product label mark of inspection:



This rule is intended to implement Iowa Code section 189A.5(2).

ITEM 3. Renumber rules **21—76.7(189A,167)** to **21—76.11(189A)** as **21—76.8(189A,167)** to **21—76.12(189A)**.

ITEM 4. Adopt the following new rule 21—76.7(189A):

21—76.7(189A) Products to be marked with official marks.

76.7(1) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the official inspection legend containing the number of the official establishment.

76.7(2) Except as provided otherwise in 9 CFR Part 316.8, each primal part of a carcass and each liver, beef tongue, and beef heart which has been inspected and passed shall be marked with the official inspection legend containing the number of the official establishment before it leaves the establishment in which it is first inspected and passed, and each such inspected and passed product shall be marked with the official inspection legend containing the number of the official establishment where it was last prepared. Additional official marks of inspection may be applied to products as desired to meet local conditions. Primal parts are the wholesale cuts of carcasses as customarily distributed to retailers. The round, flank, loin, rib, plate, brisket, chuck, and shank are primal parts of beef carcasses. Veal, mutton, and goat primal parts are the leg, flank, loin, rack, breast, and shoulder. The ham, belly, loin, shoulder, and jowl are pork primal parts. Equine primal parts are the round, flank, loin, rib, plate, brisket, chuck, and shank.

76.7(3) Beef livers shall be marked with the official inspection legend containing the number of the official establishment, at which the cattle involved were slaughtered, on the convex surface of the thickest portion of the organ.

76.7(4) Inspected and passed parts of carcasses which are not marked with the official inspection legend under this rule shall not enter any official establishment or be sold, transported, or offered for sale or transportation in commerce except as provided in 9 CFR Part 316.8.

This rule is intended to implement Iowa Code section 189A.5(2).

ITEM 5. Amend rule **21—76.11(189A)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section ~~189A.4(7)~~: 189A.5(2) “g.”